

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re: JOSEPH PENNINGTON, JR.
Debtor

Case No. 06-10066 MFW

Chapter 7

JOSEPH PENNINGTON, JR.
104 LAUREL AVENUE
NEWARK, DE 19711
Appellant

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Appellee

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APPELLANT'S STATEMENT OF ISSUES AND DESIGNATION OF RECORD

STATEMENT OF ISSUES

1. Whether the Bankruptcy Court's Order, granting the Motion of the United States Trustee (UST) to Dismiss the Debtor's Chapter 7 case, should be reversed?

2. Does the “totality of the circumstances” of this Debtor’s financial situation demonstrate abuse under 11 U.S.C. Section 707(b)(3)?

3. Did Congress intend for the means test threshold of 11 U.S.C. Section 707(b)(2), to apply to a Debtor whose income is below the median income of his State, as part of a “totality of the circumstances” inquiry under Section 707(b)(3)?

The Appellant, Joseph Pennington, Jr., hereby designates the following documents to be included in the record on appeal:

File Date	Paper No.	Pleading
01/24/06	1	Chapter 7 Voluntary Petition
02/21/06	16	Stipulation and Order Terminating Relief from the Automatic Stay RE: 2004 Dodge Stratus
05/08/06	26	Motion to Dismiss Case filed by the U.S. Trustee
06/08/06	29	Response to the Motion to Dismiss
06/08/06	30	Revised Response to the Motion to Dismiss
07/18/06	32	Memorandum of Law U.S. Trustee’s Supplemental Brief in Support of the Motion to Dismiss
07/26/06	33	Amended Schedule J
07/31/06	35	Exhibit A for the Response to the Motion to Dismiss
08/01/06	36	Brief filed by the U.S. Trustee
08/23/06	39	Response to the U.S. Trustee’s Letter Brief
08/24/06	40	Affidavit Regarding the Response to the Letter Brief
08/24/06	41	Brief Reply to Post Trial Letter Brief by Debtor

08/24/06	42	Reply by Debtor to the Brief by U.S. Trustee
08/30/2006	43	Opinion Granting U.S. Trustee's Motion to Dismiss
08/30/2006	44	Order Granting U.S. Trustee's Motion to Dismiss
09/08/2006	47	Motion to Reconsider Order Granting Motion of
09/11/2006	49	U.S. Trustee to Dismiss
09/29/2006	51	Amended Schedules B,D,F,J
10/05/2006	53	Objection to Motion for Reconsideration
10/12/2006	54	Order (Revisions by the Court)
10/18/2006	56	Notice of Appeal
		Transcript of Hearing Held 10/04/2006

Respectfully Submitted,

CYNTHIA L. CARROLL, P.A.

/s/ Cynthia L. Carroll

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DATED: October 23, 2006